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SUBJECT: ARGENTINA SUBMISSION FOR FIFTH ANNUAL TRAFFICKING
IN PERSONS REPORT

REF: 04 SECSTATE 273089

1. Overview:

A. Trafficking in persons in Argentina primarily involves Argentines trafficked within the country's borders, mostly from the northern provinces to the central provinces and Buenos Aires, and from Buenos Aires to several southern provinces. To a lesser degree, trafficking of persons also occurs across the country's borders, principally women and minors from and to Paraguay and Brazil. Groups most at risk are young women and children from impoverished families and broken homes, subject to physical and sexual abuse in the home and often abandoned or essentially left to fend for themselves. Some trafficking into forced labor occurs but is undocumented. There are no reliable estimates of the number of victims of trafficking, compounded by a general confusion regarding what constitutes trafficking and problems differentiating it from sexual violence, sexual abuse of minors, prostitution and illegal immigration.

In 2004, the International Office of Migration (IOM) assisted in the protection of and return to their countries of origin nine women and their dependents. Also in 2004, a number of government agencies from the region consulted with the IOM concerning possible IOM assistance with several cases of groups of women (from Paraguay, Bolivia and Peru), who were victims of trafficking for sexual exploitation in Argentina. These potential cases involve approximately 20 women.

The umbrella non-governmental organization "No a la Trata" ("No to Trafficking"), a network of numerous NGOs has attempted to track the number of trafficking cases in the country, monitoring press reports and cataloging reports from its member groups. Unfortunately, the information is often incomplete and doesn't differentiate sufficiently between sexual abuse of minors, sexual violence and exploitation of minors for commercial sexual exploitation. Their information, however, shows reports of likely trafficking in many of Argentina's provinces, with a concentration in the northern provinces of Misiones, and the province and city of Buenos Aires.

Since September 2004 in Puerto Iguazu, the national government project "Luz de Infancia," has received 45 reports of commercial sexual exploitation of a minor, and is currently providing attention to 18 victims of commercial sexual exploitation.

In January 2005, in the Buenos Aires provincial city of San Martin, a cabaret owner and his wife were arrested after three young women reported they had escaped from the cabaret where the owner had forced them to work as prostitutes. Two of the women were from Paraguay and said that they had been recruited in Paraguay by the wife, promising them good wages to work in the bar. In January in the Santa Fe Provincial city of Rosario, a police officer and his partner were arrested under suspicion of operating two houses as brothels and forcing several women, including one 16-year old, to work as prostitutes.

In late October-early November, provincial police in Misiones and Entre Rios broke up a group of traffickers in the Misiones town of San Vicente. One of the traffickers arrested admitted that she had brought eight girls between the ages of 13 and 16 from the Puerto Iguazu area to San Vicente for commercial sexual exploitation. The girls said they had been held captive for over a year.

B. See para. A above.

C. In 2001 through 2003, IOM worked with a large number of cases involving trafficking for commercial sexual exploitation of women from the Dominican Republic. This network has apparently shut down. Argentine Immigration officials reported a significant increase in detainments of illegal Chinese immigrants: 408 detainees in 2004, up from 189 in 2003. Argentine officials are investigating this increase, and report that entry into the United States is the eventual goal. They surmise, however, that many of the immigrants remain in Argentina. Often international

smugglers force illegal immigrants to work in slave-like conditions in Latin American sweatshops, restaurants, or as farm laborers to pay for their passage. There is no concrete evidence yet that this is the case in Argentina.

1D. The Buenos Aires office of the IOM, with the support of the U.S. Embassy, has presented a regional (MERCOSUR, Bolivia and Chile) proposal to G/TIP. The first part of the project consists of updating available information and additional research and investigation, which will provide a better understanding of the problem and assist in the development of appropriate national policies. In late December, the National Prosecutor's Office of Assistance to Victims of Crime was named as the national focal point for trafficking in persons. This appointment should facilitate planning, coordination and implementation at the national level.

1E. Trafficking victims in 2004 were principally involved in prostitution, although there were undoubtedly undocumented cases of other forms of forced labor, e.g. domestic employees and farm and construction workers. If the victims had travel and/or identification documents these were often taken, discouraging them from appealing to police or other authorities. Documents are often forged to hide the nationality and/or age of the victims. The victims are often induced to borrow money to pay for the illegal migration and are charged by traffickers or their collaborators for room, board and clothing, such that they become indebted upon arrival. The debt then is used as an inducement to force the victims to work in otherwise unacceptable conditions. Once in the internal trafficking network, victims can be sold from trafficker to trafficker and forced to pay off the debt incurred each time. The victims, particularly in the case of women and girls in prostitution, may be prevented from coming and going at will and contact with the outside world may be strictly controlled. Victims are often threatened with or are subject to physical violence to induce their cooperation.

1F. See para. A above. Trafficking in Argentina is principally internal. The Foreign Ministry Office of the Special Representative for Women's Issues reported that, through Argentine diplomatic/consular missions, it had handled five cases related to Argentines trafficked abroad. Anecdotal evidence from such groups as "Luz de Infancia" in Puerto Iguazu, indicate that women and girls are moved back and forth in the tri-border region of Paraguay-Argentina-Brazil for prostitution. The victims tend to come from the ample populations-at-risk (impoverished, victims of domestic violence and sexual abuse or abandonment) in this region. Recruitment is not difficult, with inducements of money, jobs, or just escape from desperate circumstances. Family members or acquaintances are often involved in the recruitment or inducement. If not actually implicated in the trafficking, families are often unlikely to report the activity or seek assistance.

1G. There is increasing political will to combat trafficking at both the national and provincial levels. In 2003, Argentina proposed the inclusion of trafficking in persons in the MERCOSUR agenda, and, in June 2003, the MERCOSUR, Chilean and Bolivian presidents committed to include the theme in their national agendas and to work cooperatively on the issue. In 2004, the GOA organized and participated in a number of bilateral or regional workshops, conferences and seminars on trafficking. These included a bilateral workshop with the Dominican Republic, separate workshops and seminars with the support and participation of the Government of Sweden, and a number of national and regional events in coordination with the IOM and the Organization of American States' Inter-American Commission of Women (OAS/CIM).

The Ministry of Labor, Employment and Social Security with funding from the International Labor Organization initiated a program in Puerto Iguazu, "Luz de Infancia," aimed at the prevention and eradication of the commercial sexual exploitation of minors. In the northern Province of Misiones, the provincial government, under the direction of the Ministry of Social Welfare, Women and Youth has determined to establish an inter-agency working group, including provincial and national security forces, to coordinate, develop and implement activities related to combating trafficking and providing assistance to victims.

In late December, the National Prosecutor's Office of Assistance to Victims of Crime was named as the national focal point for trafficking in persons. This appointment should facilitate planning, coordination and implementation at the national level. This office helps victims of all kinds of crimes, including trafficking. The security forces, such as Gendarmeria (Border Police) and the Secretariat of Migration generally do a good job of keeping tabs on the movement of people in and out of Argentina.

1H. There were no allegations of national government officials involvement in trafficking. Individual provincial police officers and officials implicated in trafficking have

been investigated and prosecuted.

I. The government, which suffered a serious economic, social and economic crisis in 2001-2003, has faced severe fiscal constraints since 2000. Most police are funded by provincial governments, where expenditures have also been limited in recent years. Police are not well paid and police corruption, particularly graft related to prostitution, illegal gaming and auto theft is believed to be common in some forces. The National Prosecutor's Office for Assistance to the Victims of Crime, which does an effective job of providing assistance to victims of TIP within its jurisdiction, the city of Buenos Aires, was named as the national focal point for TIP coordination. In principle, there are counterpart offices working in most of the provinces, though it is not clear they have sufficient resources to be as effective as possible, both in protecting and assisting victims and prosecutors.

Because of the degree of independence of provincial authorities, national government officials are limited in their ability to implement nationwide law enforcement policies other than through training and modifications of laws. Individual provinces provide varying degrees of victim assistance through a variety of different government agencies. In general, resources are insufficient to provide comprehensive care and protection for victims and assistance to prosecutors.

J. The government has not systematically monitored anti-trafficking efforts. One of the first activities of the new national focal point for TIP will be to try and develop a system for tracking TIP activity and monitoring anti-TIP efforts. The IOM, with support from the Department of State, will work with the Office of Assistance to Victims of Crime to strengthen the capabilities of government officials involved in counter-trafficking, with a special focus on judges, prosecutors and security forces. The government freely shares information regarding its assessment of its anti-trafficking efforts.

K. Prostitution is legal for women over 18 years old and is not regulated, but it is illegal to run a brothel or otherwise act as an agency or agent for a prostitute. In the federal capital, there is a program whereby prostitutes may register in order to receive free medical attention, but there is no other regulation. However, it is illegal to practice prostitution under the age of 18 years.

12. PREVENTION

A. The government acknowledges that trafficking in persons is a problem, although information on the scope of the problem is lacking.

B. The General Prosecutor's Office of Assistance to Victims of Crime was named in December as the national focal point for TIP issues. The Foreign Ministry's Special Representative for International Women's Issues has created a multi-agency working group to coordinate activities related to trafficking. The agencies involved include the Secretariat of Migrations and the Ministry of Justice among

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others. One of the first activities of this working group was to prepare and disseminate guidance to Argentine consular offices for recognizing and assisting Argentine TIP victims. Other government agencies with at least nominal involvement in TIP issues include the Ministry of Labor, Employment and Social Security and the Ministry of Interior, with responsibility for domestic security forces.

C. There has been no organized government anti-trafficking campaign. However, in 2004, the GOA organized or participated in a number of bilateral or regional workshops, conferences and seminars on trafficking. These included a bilateral workshop with the Dominican Republic, separate workshops and seminars with the support and participation of the Swedish government, and a number of national and regional events in coordination with the IOM and the OAS/CIM. It has invited NGOs, international organizations, government officials, including security services, and foreign missions to these events. The Ministry of Labor's program in Puerto Iguazu ("Luz de Infancia") against commercial sexual exploitation of minors has a strong public information/education component. The Foreign Ministry has included TIP sensitization in its training of consular officers. Separately, the City of Buenos Aires has a network of social agencies that provide assistance in identifying and assisting victims of child sexual exploitation. This network has established a hotline to receive reports, printed and distributed an informational poster, and undertaken prevention efforts in secondary schools as well as relevant public health institutions.

D. Argentina is progressive with respect to female participation in the workplace and in political life. For

example, there is an official quota requiring that 30% of certain elected officials must be female. The government has also actively promoted children's enrollment in school despite the economic crisis, including by waiving fees for acquisition of national identity documents for children and by conditioning unemployment subsidy benefits on enrollment of recipients' dependents in school.

¶E. Despite strict limitations on expenditures, the government has the resources to support prevention programs.

¶F. The government has developed a positive relationship with NGOs and other relevant organizations and civil society. A virtual network of women's advocates, "No a la Trata" ("No to Trafficking") throughout the country has formed to combat TIP, and the government is willing to coordinate with this group, particularly on awareness raising and prevention activities.

¶G. The government does a good job of monitoring its borders, stamping passports for both exits from and entries to the country. It also keeps track of all entries and exits in a separate system. To our knowledge, the government has not used this information to assess potential trafficking patterns.

¶H. See para. B above. There is an Anti-Corruption Office within the Justice Ministry which works to implement commitments under the Inter-American Convention Against Corruption, but it does not serve as a task force.

¶I. See para. C above.

¶J. The government has no national plan of action to address trafficking in persons. This effort has been delayed pending naming of the Office of Assistance to Victims of Crimes as the national focal point, which finally occurred in late December.

¶K. The Office of Assistance to Victims of Crime, together with other agencies, will have the lead for coordinating anti-trafficking programs.

¶3. INVESTIGATION AND PROSECUTION

¶A. Argentina does not have a specific, comprehensive anti-trafficking law; however, a number of sections of the federal penal code can be used to address trafficking. Additionally, the new migration law, passed in late 2003, mentions "trafficking" as a crime against the migration order, and imposes more severe punishment if the victim is a child, or if the crime is connected to terrorist activities, narcotics trafficking, money laundering, or prostitution. Punishment is also more severe when a public official is involved in the crime. In the past, traffickers have been prosecuted for "reducing to servitude" victims as well as for sexual exploitation of minors, for soliciting for prostitution, and for document fraud. A bill providing comprehensive legislation for assistance and protection of victims of trafficking has been introduced in the congress and is pending consideration by the relevant congressional commissions.

¶B. Under the 2003 migration law, penalties for traffickers range from one to twenty years, depending on the nature of the violation and age of the victim. If the victim is a minor, penalties range from five to fifteen years. If the trafficking is related to prostitution, penalties range from eight to twenty years. The federal penal code provides a minimum penalty of four years and maximum of fifteen years for trafficking minors for sexual exploitation.

¶C. Penalties for rape range from 6 months to fifteen years, depending on the circumstances. See para. B above for comparison to penalties for sex trafficking.

¶D. There is no unified method for tracking trafficking-related cases. In November, Miguel Angel Cienfuegos, head of a group involved in trafficking of women and girls for commercial sexual exploitation, was sentenced to twelve years in prison. Investigations into the alleged trafficking-related disappearances of Fernanda Aguirre and Maria de los Angeles Veron, in Entre Rios and Tucuman provinces respectively, have not yielded convictions to date, although a number of individuals are in detention. The national government does not collect nationwide statistics on trafficking-related crimes. The Ministry of Justice is trying to keep track of relevant information from judicial and provincial authorities, but the distinctions between trafficking and other crimes, such as prostitution, sexual violence and abuse, are poorly understood and this complicates attempts to compile information on trafficking.

¶E. Information available indicates that relatively small crime groups are behind most of the cases. Oftentimes,

traffickers induce the victims with offers of employment, either in bars or as domestic employees. There is no indication of government involvement, other than local police and local governmental authorities who in some cases reputedly are involved in protection of prostitution. Judicial authorities in the province of Tucuman are reportedly investigating a possible link between trafficking in persons and narco-traffickers in that province.

F. The government does investigate trafficking cases but the lack of a clear understanding among police, prosecutors and other authorities of what constitutes trafficking blurs the lines between prostitution, migrant smuggling, sexual abuse and sexual violence. The law does provide for relevant authorities to authorize electronic surveillance, but generally judges reject the use of paid informants or testimony in exchange for reduced sentences.

G. The government is beginning to provide some training for officials. The Foreign Ministry does provide training for its consular officers on how to recognize and respond to trafficking cases involving Argentine victims abroad. The Foreign Ministry, together with NGOs, the IOM and the Swedish government, sponsored a workshop and seminar aimed at government authorities, security personnel, NGOs, the media and civil society. More training is scheduled for 2005. The IOM, with support from the Department of State, will implement a project in early 2005 on capacity building for government and judicial officials involved in counter-trafficking, with particular focus on prosecutors and security officials.

H. The government has indicated that it cooperated with the government of the Dominican Republic in looking into the trafficked women from the Dominican Republic to Argentina, but this has not involved any prosecutions to date.

I. The government will extradite people for trafficking charges, but has not been asked to do so up to now to our knowledge.

J. & K. There is no evidence of government involvement or tolerance for trafficking. Individuals and local police suspected of involvement in trafficking have been arrested and are expected to be tried.

L. The government is aware that some sex tourism has begun to be promoted on the internet and has worked with tourism authorities to alert them to the problem. We are unaware of any arrests, prosecution or extradition of foreign pedophiles.

M. International Instruments:

-- ILO Convention 182: Ratified 5 February 2001. Implementing legislation was enacted 20 July 2000.

-- ILO convention 29 and 105: Ratified 14 March 1950 and 18 January 1960 respectively.

-- Optional Protocol to the Convention of the Rights of the Child, on the Sale of Children, Child Prostitution, and Child Pornography: Ratified 10 September 2002. Implementing legislation was enacted 22 August 2003.

-- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime: Ratified 19 November 2002.

3. PROTECTION AND ASSISTANCE TO VICTIMS

A-H. IOM provides some assistance for victims. The Office for Assistance to Victims of Crime, which is part of the Prosecutor General's Office, also can provide a wide variety of assistance to victims (e.g. access to legal counseling, psychological treatment, referrals to other sources of relevant assistance, and repatriation) and is coordinating with IOM to provide training on TIP issues. The National Council for Children, Teenagers, and the Family is in the process of implementing a crisis hotline to receive and refer trafficking cases. This is likely to be limited in scope, however, particularly in some of the more problematic provinces due to lack of municipal offices.

The Foreign Ministry provides training to its consular officers, and the Ministry's Office of the Special Representative for Women's Issues reported it is coordinating with some one hundred municipal offices on "gender issues," to include TIP. There are also a number of national and local government agencies, e.g. the National Council for Women, the Office of the Prosecutor General, the Secretariat of Social Development, and the Women's Office in the city of Buenos Aires, that provide some sort of assistance to victims or public awareness of TIP issues. The NGO "Fundacion Mujeres en Igualdad" and the Public Bar Association, amongst

others, created a network of civic groups to combat TIP. This network promotes public awareness, organizes seminars, has analyzed domestic and international legislation, and is creating a database to track TIP incidents in the country.

Victims are not normally detained, jailed, or forcibly deported if they are known to be victims of TIP. However, possible victims arrested for prostitution-related crimes may be arrested, jailed and deported. Victims assisted by the Prosecutor General's Office of Assistance to the Victims of Crime are encouraged to support prosecutions and are referred to sources of relevant assistance, including repatriation.

I. IOM provides some assistance for victims. Few NGOs work directly with TIP victims. The Hermanas Oblatas and the Hermanas Adoratrices work with women at risk, including occasionally TIP victims and may provide them with emergency shelter, counseling, job training, child care and other such assistance. The Association of Meretrice Women (AMMAR) provides health assistance, food donations and legal advocacy to women in prostitution. The City of Buenos Aires provides food and health assistance to women, including potentially TIP victims, through the local chapter of AMMAR.

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5. HOURS SPENT PREPARING THE TIP REPORT:

FS04 - 20

FS02 - 140

Total- 160

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